

# TRAFFIC LAW REFORM

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THE traffic problem is an extremely complex one. However, a help in tackling this problem could be the introduction in Malta of the ticket system imposing a fixed penalty on the offender. This system has worked satisfactorily in North America and various European countries, and it seems to me, that there is no reason why it should not prove successful in Malta too.

The ticket system involves the giving of a notice by the traffic policeman at the time of the infringement of the traffic law to the offender, requesting him to pay a fine on the spot or to do so within a time limit. In case the offender wants to contest the offence, the normal summons and court hearing is proceeded with.

This system has the advantages of saving the time and expense of both the policeman and the offenders and reducing the large amount of court cases. Indeed, in view of the fact that a fixed penalty is applied, there is the advantage that in case the offender contests the summons for frivolous reasons he might have to pay a higher fine. After all, what usually happens in Malta is that a large number of offenders admit the summons in Court. These cases, in my view, should never have reached the Court stage. The ticket system would have proved the ideal system in such circumstances.

Of course, there are a number of arguments against the ticket system. These include the fact (a) that fixed penalties may be unfair because they do not distinguish the gravity of the offence (b) that

the offender may be unaware of any defence available (c) and that a first and second offender would receive the same treatment.

As regards the first objection, it is obvious that if the offender finds the penalty too stiff he can oppose it and go to Court. The second objection is a very real one but in view of the fact that the offender has a time limit in which to pay he can consult a lawyer in the meantime. In the third case, earlier convictions should be recorded in the driving licence of the individual concerned. In such cases the police officer should not issue a ticket but refer the case to the Court, especially if this was the fourth or fifth traffic offence committed by the offender.

Of course, each system has its own problems. However, it seems to me that the ticket system should be introduced in Malta. Naturally, at first only minor offences should be included, as for example parking offences. Fines should be paid on the spot or within a short time-limit, at the option of the offender. In case of non-payment, court proceedings would be started as soon as possible to avoid delays.

Perhaps, this system will act as a deterrent against potential traffic offenders. Besides, it will allow police officers more time to dedicate to traffic control in the interest of society, rather than spending a lot of time at the law courts where their evidence might, after all, not be required in view of the fact that the offender admits that he infringed the traffic law.